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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 003086

SIPDIS

E.O. 12958: DECL: 07/26/2025

TAGS: PGOV KDEM IZ

SUBJECT: CONSTITUTIONAL DRAFTING: SUNNIS BACK ON BOARD,  
BUT NOT ON SAME PAGE

REF: BAGHDAD 3018

Classified By: Political Counselor Robert S. Ford.  
Reasons 1.4 (B) and (D)

¶1. (C) Summary. Sunni members of the Constitutional Drafting Committee have said their group will return to negotiations on July 26. Internal divisions in the Sunni Arab group of 15 are growing. The National Dialogue Council spokesman wants a UN role in the investigation of slain colleagues, while Iraqi Islamic Party officials pour over constitutional drafts and engage in coalition building efforts with former Prime Minister Allawi. National Dialogue appears to have better relations with Masoud Barzani and reports SRSG Qazi will hold a meeting to bring Kurds, Sunni and "some Shia" together to cut a deal. End Summary.

¶2. (C) Constitutional Drafting Committee member and Spokesman for the hard-line National Dialogue Council, Dr. Saleh Mutlak appeared temporarily satisfied with a statement from Transitional National Assembly (TNA) Speaker Hajim al Hassani regarding the investigation of the deaths of fellow drafters. Mutlak did not fully commit to returning to negotiations on the constitution until the group of drafters met and endorsed the statement. While he suggested there was a 99.9 percent chance his group would approve and vote to return to the process, all needed the opportunity to discuss and make their voices heard. Initially, Mutlak said the Sunni drafters would not hold this meeting until July 26, and afterward GO to the TNA for a 12 PM meeting. When pressed by PolOff and UK Embassy personnel, Mutlak agreed to hold the meeting the afternoon of July 25 so as not to lose more time in resuming their critical work.

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Breaking of an Impasse:  
Progress on the International Investigation  
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¶3. (C) Mutlak provided a copy of the Hassani statement that indicated, as ordered by the Council of Ministers, an independent judicial investigation into the assassinations. The letter reserved the right of the investigators to draw upon "international assistance." Mutlak wants UN involvement -- at minimum a statement -- to demonstrate the seriousness of producing results in the search for Mujbil Shaykh al Issa and Dhamim Hussein Aleawi al Obeidi's killers. The statement also condemned the attack upon "the forces absent from the election" as an act of terrorism that was "targeting the constitutional process" in Iraq.

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Bridging the Gaps  
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¶4. (C) Mutlak said he received a call from Masoud Barzani on July 24 urging him to attend a meeting organized by United Nations Special Representative of the Secretary General Ashraf Qazi. The meeting will include Kurdish and "some Shia" negotiators. Mutlak claimed he was contacted by Muqtada al-Sadr supporters, who expressed their opposition to language in the constitution allowing the creation of a southern regional government. (A top UN political aide here told us July 25 that SRSG Qazi would host a meeting of Sunni Arabs and Kurds but mainly as a way of breaking the ice and helping the negotiators establish better informal, serious communication.) Mutlak, amid dozens of phone calls, briefly told Poloff July 25 that federalism could only be feasible after two to four years, changing tack slightly to say the debate on federalism should be postponed for four years.

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IIP Role: More Focused, More Pragmatic?  
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¶5. (C) The Iraqi Islamic Party's Ayad Samarra'i told Poloff July 25 that the Sunni negotiators would be

back at the table at 12 PM on July 26. He said they had continued to work -- even through the suspension -- on analyzing the draft and composing counter-proposals. He had heard little about the proposed 'constitutional summit,' and mentioned nothing about the Qazi gathering. Samarra'i said IIP leadership met with former Prime Minister Ayad Allawi on July 24 to discuss forming a common front. (Comment: Allawi separately confirmed this to us July 25. End Comment.) The IIP, according to Samarra'i, would be better served by running on its own ticket but is open to forming a coalition government with Allawi after December's elections. The key to future cooperation, he said, is agreement now on a mutually acceptable program. He also dismissed forming an alliance with Vice President Ghazi al-Yawar, noting Yawar had lost (through inaction) what little political base he had commanded in the January 30 elections.

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Kirkuk Requires a Long-term Solution

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**¶16.** (C) Samarra'i, who was raised in Kirkuk until middle school age, reiterated his opposition to a (allegedly Kurdish imposed) push for hasty resolution of the Kirkuk issue. He argued for the formation of a multi-ethnic administrative body but he would not specify whether at the municipal or provincial level. In a lowered tone, Samarra'i observed while Talabani appears closer to the thinking of Sunni Arabs in terms of delaying a final resolution (see ref, for example). However, what Talabani tells them does not correspond with what Kurds on the constitutional drafting committee are saying. Samarra'i said that Allawi supported the IIP's approach to promoting multi-ethnic governance for the troubled city. He suggested slates comprising three Kurds, three Turkmen, three Arabs and one Christian should compete in an election. In the meantime, Kirkuk must be granted "special status" as a mixed city.

**¶17.** (C) Comment. Strains in the cohesion of the Sunni drafters are again growing. As of a week ago, nearly all interlocutors were speaking with one voice. At present, Mutlak is consumed with the issue of the investigation into the assassination of his fellow National Dialogue members and, to a lesser extent, badges for the two new additions to the Committee, as well as the four experts. Mutlak said he had received a copy of the constitution but had left it in the room where he had been meeting with Speaker Hassani. In stark contrast to Samarra'i, he avoids any in-depth discussion of the provisions of the draft. Instead, he is focusing on the public perception of the Sunni role. Samarra'i exhibits little -- if any -- concern about the investigation and has been working diligently, if independently from the other Sunni Arabs, on Islamic Party adjustments to the draft. If a Sunni Arab common agenda exists, they need develop and explain it promptly. We are not sure such a common agenda exists, and we also are not sure that National Dialog people like Salah Mutlak ultimately want to find it and negotiate it with the other constitution drafters. End Comment.

**¶18.** (U) REO HILLA, REO BASRA, REO MOSUL, and REO KIRKUK, minimize considered.

Khalilzad